



POLICE DEPARTMENT
Office of Deputy Commissioner,
Legal Matters
One Police Plaza, Room 1406A
New York, New York 10038
FOILAppeals@NYPD.org

August 14, 2019

Jimmy Tobias
The Nation Magazine
jtoby87@gmail.com

RE: FREEDOM OF INFORMATION LAW
REQUEST: FOIL-2019-056-10544
Re: Layleen Cubilette-Polanco

Dear Mr. Tobias:

This letter is in response to your email dated August 8, 2019 appealing the determination of the Records Access Officer (RAO) made on July 8, 2019 regarding records requested from the New York City Police Department. Your request, pursuant to the Freedom of Information Law, was originally received by the FOIL unit on June 20, 2019 and subsequently denied pursuant to various subsections of Public Officers Law (POL) Section 87(2).

Your appeal of that determination is denied as untimely because the time within which to appeal the determination had expired at the time of your appeal. Public Officers Law §89(4)(a) requires that FOIL appeals be submitted within thirty days of the date of the denial of access. The RAO determination was issued on July 8, 2019 with specific instructions on the appeal process, including where to send the appeal and within how many days as required by FOIL; however, your appeal was not emailed until August 8, 2019. Therefore, because the appeal was submitted beyond the statutorily allowed thirty-day period, the appeal is denied.

You may seek judicial review of this determination by commencing an Article 78 proceeding within four months of the date of this decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Sgt NY".

Jordan S. Mazur
Sergeant
Records Access Appeals Officer

c: Committee on Open Government